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STRIKES AND THE PUBLIC WELFARE.

BY JOHN HANDIBOE.

A LABOR strike is a logical consequence of unswerving belief in the inviolability and preëminence of private rights. But it must be accepted as a political necessity that public welfare should always be placed above private interest. That it is not always so placed is due quite as much to public indifference and supineness as to the selfish prosecution of private enterprise. The truth of this statement is demonstrated by the organization and operation of great trusts and combines alleged to be lawless and rapacious; by the creation and maintenance of political "machines"; by the sovereignty of "bossism"; by the frequent prostitution of public office to party advantage or necessity, and by the corrupt use of public moneys for party and private profit. All of these, in a greater or lesser degree, are denounced as opposed to the public welfare; but the public seldom, if ever, interferes.

It is undeniable that society is still within the period of evolution, and it is quite as indisputable that a desirable rate of progression has not been attained in labor matters. The condition of civilized man has improved immeasurably in modern times. War, while always cruel, is less savage than formerly. A won battlefield is no longer a scene of inhuman butchery; a fallen city is not now given up to slaughter and rapine; the soldier is no longer brutalized by harsh treatment. The administration of the laws and the methods of punishing offenders alone mark a wonderful degree of progress. The cruel punishments that formerly were inflicted upon criminals are obsolete. There is no longer confinement in unspeakably foul dungeons, no myriad crimes of capital degree. But one relic of barbarism remains—solitary confinement, and this penologists will in time eradicate. The treatment of the insane, in older days, was essentially barbarous. They were

not regarded as human beings whose peculiar and pathetic ailments should have especially considerate treatment, but as creatures whose illusions and unreasonable deportment necessitated repression by violence. This has been changed, and the rare rumors of maltreatment in hospitals for the insane, and in charitable and penal institutions, simply prove the stability of the rule. In the intercourse of man with his kind, individual welfare is more carefully safeguarded than ever before; the privileges of even the humblest citizen are more generally recognized and accorded; the settlement of private disputes by the arbitrament of the strong arm is no longer a predominating proof of good breeding, and drunkenness and debauchery have become abhorrent to the great mass of the people. Notwithstanding this satisfactory improvement, a weak point in the social structure is still to be found in the relations between capital and labor.

These two elements of industrial life have never been in sympathy, and will probably never be wholly harmonious. Despite the assurances of eloquent orators to the contrary, capital and labor are not being brought closer together. The wars they wage upon each other will be continued so long as the public shall be content to permit its privileges to be violated and ignored, and so long as it shall refrain either from compelling the battling elements to settle their quarrels in such a way that public peace and general business shall not be disturbed, or from settling it for them. But it must not be assumed that only one side is at fault in the frequently recurring labor disputes. In too many instances, harsh measures have been resorted to by both sides. Upon the declaration of a strike, the workmen concerned have frequently taken practical possession of the industrial plants of employers, with the intention of preventing the operation of those plants by other workmen. On the other hand, employers have often, when a strike had begun, employed a force of special policemen for the avowed protection of the plants when no protection was required. While in many cases the necessity for protection quickly became patent, in others there was no really valid reason for the hiring of a private army. It is alleged, not without show of justification, that these special policemen have occasionally, by their own violence, precipitated the riots which it undoubtedly was the desire and should have been the business of the public to prevent, indeed to make impossible. In either case, whether hostili-

ties were begun by employer or employee, public welfare was ignored by private interest. The sudden strike has been matched by the lockout; intimidation of employees, by the anti-interference injunction; the boycott, by the blacklist. In whatever manner or direction the industrial disturbance may be manifested, the public is compelled to suffer. There has been too much of "the public be d——d" sentiment in these affairs, and it has now become the public duty to declare emphatically and definitively that labor disputants shall have no more right to disturb public tranquillity by recourse to a test of strength and endurance, than a pair of bruisers have to settle their differences in the street.

One point which many employers of labor do not consider with comprehensive appreciation of its importance is, that labor unions must be taken into all the calculations of industrial enterprise. Labor unions have come to stay; their perpetuity is assured; and their increasing importance, as a factor in social and industrial development, cannot be disputed. It would seem that in this connection such employers make a vital mistake; they refuse to treat with employees as a body of united workmen, and declare their determination to consider these men only as individuals. This error is the natural progenitor of the mistake of refusing to meet workmen in joint conferences as to wage scales or grievances, and declining to submit to arbitration matters in dispute. As an illustration of the bad effects of continued refusals of conferences, it is necessary only to state (and the writer is wholly impartial and disinterested) that these have been a source of irritation and disturbance in the anthracite region of Pennsylvania. Participation, by employers, in a joint conference would naturally be set down as recognition of the union, by the employer, who is determined to vouchsafe no such recognition; and by the union men, who would willingly relinquish other points for the one concession of recognition. On the part of employers, too, such participation is feared as an admission of willingness to arbitrate. It is to be regretted that the announcement that "we have nothing to arbitrate" has not been succeeded by a temperate acknowledgment of the paramountcy of public welfare, especially under circumstances which forebode the disruption of the peace of a community, a county or a State. This announcement, however, is equalled by labor's declaration that "we are opposed to compulsory arbitration." In such case, the public should protect itself.

A strike, whether forced by employer or employee, may, and usually does, affect many persons not directly concerned in the dispute. The strikes in the coal regions afford an apt illustration. The miners quit work; no coal is mined; there is none to be hauled; coal-train crews and railroad shopmen are suspended, there being no employment for them; coal becomes scarce and the prices are advanced; industrial plants cannot obtain supplies, are shut down and workpeople are forced into idleness; the financial loss becomes enormous and the distress of families deprived of income grows acute; there is rioting and men are wounded, perhaps killed; families are plunged into grief and mourning, where death stalks with want; the military are called out, and may be compelled to restore order by violent methods; the public must pay for this force in the field, for the rioting, for property destroyed, for the arrest, conviction and maintenance of imprisoned rioters; over a wide area all business is disturbed, and in some places it is completely paralyzed. Which party to the dispute may be the cause of all this loss and misery, is of no importance whatever. The important point is, that the public has too long submitted, too long uncomplainingly paid the price, too long aided and abetted in its own undoing.

It will undoubtedly be forever impossible for employer and employee to take the same view of unionism and labor disputes, internal or otherwise. Labor's real or supposed views upon these and correlated matters have been given repeatedly, by all sorts and conditions of men, and it must be said that labor's champions have not always placed it in the best light, for the union labor field has been long an inviting arena for the demagogue. On the side of the employer, though not at that time speaking as his especial advocate, President George F. Baer, of the Philadelphia and Reading Railroad, recently gave an interesting exposition of the anti-union view. In January, 1902, President Baer, in an address at Franklin and Marshall College, on the subject "Work is Worship," said that all labor is noble and ennobling, that to work is the duty of all men, and that the right to work must not be denied to anybody. Upon the latter points he said:

"Is liberty to work less desirable than liberty to worship? Can the one live without the other? Are we freemen in the sense of the Declaration of Independence, whose liberties are vouchsafed by the Constitution, if there be any power in this broad land to control our choice of labor?

Shall we be denied the right to work in the lawful vocations of man because we do not belong to a particular labor organization?

"Let it be said once for all, that it is, as it ought to be, lawful for laborers to organize; to use all lawful means to obtain higher wages and better conditions, and to quit work singly or in a body.

"This is their liberty. But has not every man a similar liberty of action? If he chooses to work at any vocation, and on any terms, is not this his liberty? And what moral or legal right has a labor organization to deprive him of his inalienable liberty to work? Yet, it is being done every day. Men are driven from work, threatened, abused, called all manner of harsh names, their wives and children are insulted, and a social ostracism is established, which compels good, honest workmen to bear the pangs of hunger rather than endure the threats and gibes of their fellow-workmen. In some trades employers are not permitted to employ workmen without labor-organization cards. Union men will not work with non-union men. Was ever greater tyranny practised by one set of men over their fellow-men?"

The speaker adverted to the futility of volunteer and amateur plans for the settlement of labor disputes, as follows:

"Our friends of the Civic Federation, perhaps realizing how impracticable it is to bring about good results by such a division of employer and employee into hostile camps, have suggested a plan to solve the whole problem. It is based on the delusive and impracticable idea that this stupendous problem can be adjusted to the satisfaction of all by a Board of Conciliation, not selected by the parties in interest, but created by the Civic Federation—a self-constituted Witenagemote—a Court without jurisdiction and without a Sheriff to enforce its judgments.

"Much allowance must be made for enthusiastic men who are willing to join in any movement that tends to benefit society. Nevertheless, no practical good can ever come from this movement; but just to the extent that it excites expectations never to be realized, it will work much mischief in the land."

It is thus made apparent that such disputes cannot be settled without recourse to a desperate struggle between the parties, except by a method which will take the matter out of their hands, or enforce a settlement with regard only for the rights and privileges of the public. When private or public right is invaded and nullified is a question upon which the parties to a labor controversy cannot be expected to agree. Certainly, union men have a right to strike. If conditions, present or prospective, do not please them, they cannot be prevented from severing all connection with the persons who had employed them. But the employer has an equal right to hire other men when his employees desert. With

equal moral justice it must be contended that, if the individual employee has the privilege of abandoning his employment and seeking service elsewhere, at his own convenience and without regard to the convenience or wishes of the employer, the latter can discharge any individual whenever he may desire and for any reason he may conclude is sufficient. No privilege, whether moral or industrial, can safely be accorded to one man or set of men and denied to another man or set of men. It is claimed by labor leaders that the employers, if not halted by the power of organized labor and a constant threat of a consequent strike, could discharge, singly, every union man in his employ and hire non-union men. The sufficient reply to this is, that whenever they find the plan practicable organized workingmen compel employers to discharge non-union men and employ union men in their stead.

The problem of preventing costly or sanguinary strikes, or of reducing to a minimum their recurrence, ought not to be altogether unsolvable. As a prerequisite, all labor unions, whether local, State or national, should be incorporated. Many labor men object to this, on the ground that incorporation would expose unions to dangers which they now escape—to frequent prosecutions as corporations, to mulctings in heavy damages for violations of injunctions by courts, etc. But the very fact that such objections are raised argues strenuously for incorporation and not against it. The two parties should be upon an equal footing somewhere, and the common ground should be equal responsibility for violation of contracts. At present, labor unions can abrogate a contract, real or implied, at a moment's warning, without the least fear of consequential punishment of any kind; and there is nothing to prevent employers from doing likewise. There must be created a responsibility for the performance of wage or work contracts as a basis for the elimination of all deterrents that now prevent cure of the strike evil. For this purpose, there should be a binding contract entered into by employer and employee, and he who violates it should be held accountable under the law. Such contract cannot be made, however, unless employers recognize the labor union, which many of them now refuse to do—and unless labor unions become incorporated, a step to which they have no inclination.

With this much accomplished, the next step would naturally be toward compulsory arbitration, where this should become neces-

sary. Although capital and labor are opposed to this, the public, which is the greatest sufferer when a great strike occurs, is not concerned with the predilections of either, but with the preservation of its own interests. The capital that "has nothing to arbitrate," even though it had been forced into an unfair and unwarranted dispute, is autocratically determined to ignore any contention that the public has anything at stake; while, on the other hand, labor leaders who oppose compulsory arbitration may be, to a certain extent, actuated by apprehension that it would deprive them of some of their immense power in the union and reduce their importance as manipulators of strikes and peace negotiations. Questions which are supposed to show that the proposed plan of strike settlement is subversive of private right are: Can the law direct what wages an employer shall pay, whom he shall employ, and how many hours shall constitute a day's work? Can the finding of a Board of Arbitration be made binding upon the parties at issue? It is argued that a law specifically designed for the adjustment of labor disputes would be unconstitutional, because it would invade the rights and privileges of the individual and take out of his hands the prerogative of controlling his own business. Theoretically, that is true; practically, it is not true. For the good of the community, laws are enacted and enforced which deprive men of thorough freedom of action and regulate even the degree of personal liberty which they may enjoy. In his own home, he must comport himself in such manner that he shall not annoy his neighbors. He must send his children to school, whether he wants to or not. He must build his house, his factory or his theatre as the law specifies. He cannot dress as he may elect, although he boasts that the contrary is the case. The employer should not be permitted to endanger the peace of any community by an appeal to the opinions of Mr. Bounderby; and the employee should be prevented from putting into practice the teachings of the ranting demagogue. A compulsory arbitration law need not regulate the wages paid by any man to any other man. But it would provide for the hearing and determination of a wage dispute, when the parties to that dispute are not inclined to end the matter peacefully for themselves.

The plan for compulsory arbitration cannot be belittled by arguments that it is visionary, revolutionary and impracticable. Institutions which were once so regarded have become civilized

man's greatest privileges, rights and safeguards. Trial by jury has been established instead of armed retaliation; liberty of conscience, once believed to be a heretical dream, has been won after the shedding of oceans of blood; the shameful and oppressive rights of nobles, once supposed to be inherent, have been nearly all destroyed, and the equality of men is nearing universal recognition. And, more to the point, a compulsory industrial arbitration law has been in successful operation in New Zealand for a number of years.

Unions having been incorporated, a system of contracts provided, and a compulsory arbitration law enacted, the plans for preventing strikes could be said to be well advanced. Such a law need not be invoked in all cases, but only when all other efforts toward the settlement of a dispute shall have been exhausted. The employer and his employee should endeavor to adjust matters at issue between them without the interference of anybody else, walking delegate, union official or other functionary. And it is obvious that, with a compulsory arbitration law enacted, such adjustments would be reached with growing frequency. In no case should a "sympathy" strike, or a strike in a whole labor district where only a local grievance is to be determined, be permitted under a law of compulsory arbitration. Unless the dispute of itself spread beyond a local area, the district officers of a union should not be called upon to conduct negotiations or direct the actions of the workingmen. The smaller the area of disaffection shall be, the greater will be the probability of a peaceful settlement. But if, as is now too frequently the case, neither side is inclined to give ear to the other, the preëminence of the public should be demonstrated. Then compulsory arbitration should be invoked and enforced, and recalcitrants should be punished for violation of the orders of the Board. With the unions, as well as the employers, incorporated, this could be done. With compulsory arbitration operative, we should have closer relations between capital and labor; fewer disturbances of business; the elimination of private armies; less marching and intimidation; less rioting and bloodshed; less financial loss to the community; fewer strikes; and the placing of real public welfare above supposititious private right.

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